

STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS  
55 FARMINGTON AVENUE  
HARTFORD, CT 06105-3725

[REDACTED], 2020  
Signature Confirmation

Request #149949

Client ID # [REDACTED]

Case ID # [REDACTED]

**ADMINISTRATIVE DISQUALIFICATION HEARING**  
**NOTICE OF DECISION**

**PARTY**

[REDACTED]

**PROCEDURAL BACKGROUND**

The Department of Social Services (the "Department" or "DSS") requested an Administrative Disqualification Hearing ("ADH") to seek the disqualification of [REDACTED] (the "Defendant") from participating in the Supplemental Nutritional Assistance Program ("SNAP") for a period of one (1) year. The Department alleged that the Defendant committed an Intentional Program Violation ("IPV") in the SNAP program by misrepresenting his household composition and income. The Department also asserted a claim to recover \$2,259.00 in SNAP that it alleged was overpaid to the Defendant as a result of his commission of an IPV. The Defendant has not committed any prior IPV offenses in the SNAP program.

On [REDACTED] 2019, the Department requested that an ADH be scheduled for the Defendant.

On [REDACTED], 2019, the Office of Legal Counsel, Regulations, and Administrative Hearings ("OLCRAH") scheduled the ADH for [REDACTED], 2020. Notice was sent to the Defendant via certified mail of the initiation of the ADH process. The notification outlined a defendant's rights in these proceedings and included the publication, *List of Legal Services in Connecticut*. The USPS returned signed confirmation to OLCRAH that the certified mail containing the notification was delivered to the addressee on [REDACTED], 2019.

On [REDACTED], 2020, in accordance with sections 17b-60, 17-61 and 4-176e to 4-189, inclusive, of the Connecticut General Statutes, OLCRAH held an Administrative Disqualification Hearing.

The following individuals were present at the hearing:

Ryan Barganier, Department's Investigator  
James Hinckley, Hearing Officer

The Defendant was not present at the hearing.

### **STATEMENT OF THE ISSUES**

1. The first issue to be decided is whether the Defendant committed an IPV in the SNAP program and is thereby subject to a SNAP disqualification penalty.
2. The second issue to be decided is whether the Department has a valid claim to recover \$2,259.00 in SNAP benefits it alleged were overpaid as a direct result of the commission of an IPV.

### **FINDINGS OF FACT**

1. The Defendant is a 36 year old man with one child. (Hearing Record)
2. [REDACTED] (the "other parent" or "OP") is the mother of the Defendant's child. She also has a second child whom the Defendant is not the father of. (Hearing Record)
3. In [REDACTED] 2018 the OP applied for and was granted SNAP for herself and both of her children. (Testimony, Ex. 9: Case Notes for the OP)
4. The OP's address in [REDACTED] 2018, when she was granted SNAP, was [REDACTED] [REDACTED] (Ex. 9)
5. On [REDACTED] 2018, the Defendant applied for SNAP for himself only. He reported his address was [REDACTED] He reported that he was living at the address with the OP, who was his fiancée, and with her two children, one of whom was his biological child. (Ex. 9)
6. On [REDACTED], 2018, a worker from the Department explained to the Defendant that he could not apply for SNAP for himself only. The worker explained that SNAP household composition rules require parents and their children-in-common to be included in the same household. (Ex. 9)
7. On [REDACTED], 2018, the worker added the Defendant to the OP's existing SNAP case, as required by program rules. The Defendant's income at the time, in

combination with the other income the OP's household had, exceeded the limit for SNAP and caused the case to close. (Ex. 9)

8. On [REDACTED] 2018, approximately a month after his [REDACTED] 2018 application, the Defendant filed a new application for SNAP for himself only. In contrast to what he reported on the previous application, on the [REDACTED] 2018 application the Defendant reported that he lived at a different address from the OP and her two children. He reported that he was not engaged to marry the OP and that he misspoke earlier when he said he was. The worker noted that DMV records for the Defendant came back to [REDACTED]. The Defendant reported that he did not live at [REDACTED], but that he used it as a mailing address because it was "easier" than having the mail delivered to his actual residence. He reported that his grandfather owned two properties, one where the defendant lived and one where the OP and her children lived. (Ex. 4-B: Application form W-1EDD, Ex. 10: Case Notes for the Defendant's case)
9. On [REDACTED] 2018, the Defendant's application was referred to the Department's FRED (Fraud Early Detection Program) unit for investigation of whether his reported address was valid. (Ex. 10)
10. The Defendant submitted to the Department a handwritten note from his grandmother as verification of his address. The note included a phone number where the grandmother could be reached. (Hearing Record)
11. On [REDACTED], 2018, the eligibility worker called the phone number from the note and spoke with a woman who confirmed the Defendant's address. The worker determined the verification was adequate and granted the Defendant's pending SNAP application. (Ex. 10)
12. On [REDACTED] 2018, the FRED unit closed its investigation. The investigator had attempted for 10 days to meet with the Defendant for an in-person interview but the Defendant was non-responsive to all attempts. As a result of the lack of cooperation with the investigation the investigator concluded there was inadequate verification of the Defendant's address and household composition. The investigator then issued a recommendation to the Department that it not grant the Defendant's application. After issuing the recommendation, the investigator made note that the Department had already granted the Defendant's application the week prior without waiting for the outcome of the FRED unit's investigation. (Ex. 10)
13. For individuals seeking health coverage pursuant to the Affordable Care Act whose eligibility is determined using MAGI-based income, the applications are processed by Access Health CT ("AHCT"), Connecticut's Health Insurance Exchange. (Hearing Record)

14. On [REDACTED], 2018, the Defendant filed an application for health coverage with AHCT. On his health coverage application, the Defendant reported that he both resided at, and received mail at, [REDACTED] [REDACTED] (Ex. 8-C: Access Health CT MAGI Medicaid and CHIP Eligibility Results)
15. On [REDACTED] 2019, the Defendant submitted a completed Periodic Review Form ("PRF") to the Department. The form was mailed to him at [REDACTED]. His answers on the form indicated that he lived alone and that [REDACTED] was only his mailing address, not his residential address. Based on the information he reported on his PRF, the Department approved his SNAP eligibility to continue with no changes. (Ex. 10)
16. On [REDACTED] 2019, the Defendant visited the DSS office to apply for SAGA (State Administered General Assistance) cash benefits as a single adult. He reported to the interviewing worker that he lived with his "girlfriend" and her two children. He reported he was the father of one of the two children. He said they were living together "for the summer", and that he and his girlfriend "sometimes" lived together. (Ex. 10)
17. On [REDACTED] 2019, the worker informed the Defendant that because he was part of an intact family he was not eligible for SAGA benefits and would have to apply for TFA (Temporary Family Assistance) instead. Because it was clear that the OP's wages exceeded the TFA limit, the Defendant stated he was not interested in applying and left. (Ex. 10)
18. On [REDACTED] 2019, the worker referred the Defendant's case for investigation because of an apparent conflict with SNAP eligibility rules. The Defendant was receiving SNAP for only himself despite reporting he was part of an intact family, which set of facts conflicted with SNAP household composition rules. (Ex. 10, Hearing Record)
19. The investigator who was assigned to the investigation confirmed with the DMV that, as of [REDACTED] 2019, the Defendant and the OP each owned vehicles registered at [REDACTED]. (Ex. 8-A: DMV Interface, Vehicle Search)
20. The investigator also confirmed with the DMV that, as of [REDACTED] 2019, the Defendant and the OP each had active driver's licenses with addresses of [REDACTED] [REDACTED] (Ex. 8-B: DMV Interface, CT License/ID Search)
21. The investigator confirmed with the United States Postal Service that, as of [REDACTED] 2019, the Defendant and the OP both received their mail at [REDACTED] [REDACTED]. (Ex. 8-D: Postmaster Address Confirmation)

22. The investigator confirmed with the CT Department of Labor that, between [REDACTED] 2019 and [REDACTED] 2019, the Defendant received Unemployment Compensation Benefits at [REDACTED]. (Ex. 8-E: DOL Interface, Unemployment Compensation Benefit Details)

23. The investigator confirmed with the [REDACTED] CT Public School System that, during the school year, the Defendant's child lived with the Defendant and the OP at [REDACTED]. (Ex. 8-F: [REDACTED] school records)

24. For the period during which the Department alleged a SNAP overpayment occurred, the OP was employed by [REDACTED]. She had gross wages from the company as follows.

[REDACTED]	2018	\$3,461.54	[REDACTED]	2019	\$4,511.54
[REDACTED]	2018	\$3,461.54	[REDACTED]	2019	\$4,311.54
[REDACTED]	2018	\$4,161.54	[REDACTED]	2019	\$6,442.31
[REDACTED]	2018	\$6,092.31	[REDACTED]	2019	\$4,361.54
[REDACTED]	2018	\$4,011.54	[REDACTED]	2019	\$4,311.54
[REDACTED]	2019	\$4,361.54			
[REDACTED]	2019	\$3,911.54			

(Ex. 2: Wage verification from [REDACTED])

25. For the period during which the Department alleged a SNAP overpayment occurred, the Defendant received monthly SNAP allotments in the following amounts:

[REDACTED]	2018	\$147.00	[REDACTED]	2019	\$192.00
[REDACTED]	2018	\$192.00	[REDACTED]	2019	\$192.00
[REDACTED]	2018	\$192.00	[REDACTED]	2019	\$192.00
[REDACTED]	2018	\$192.00	[REDACTED]	2019	\$192.00
[REDACTED]	2018	\$192.00	[REDACTED]	2019	\$192.00
[REDACTED]	2019	\$192.00			
[REDACTED]	2019	\$192.00			

(Ex. 6: Benefit History Listing)

26. The Defendant and the OP lived together at least during the period from [REDACTED] 2018 to [REDACTED] 2019. (Hearing Record)

27. The Defendant accurately reported his living arrangements when he applied to the Department for SNAP on [REDACTED] 2018, when he applied to AHCT for health coverage on [REDACTED], 2018, and when he applied to the Department for SAGA on [REDACTED] 2019, and accurately reported his address to

the USPS, to the DOL, to the DMV and to the [REDACTED] Public School System. (Hearing Record)

28. The Defendant misreported his living arrangements when he applied to the Department for SNAP on [REDACTED] 2018 and when he submitted his PRF to the Department on [REDACTED] 2019. (Hearing Record)
29. The Defendant has committed no prior IPV's in the SNAP program. (Ex. 20: edrs query results)

### **CONCLUSIONS OF LAW**

1. Section 17b-2 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to administer the SNAP program in accordance with federal law.
2. Section 17b-88 of the Connecticut General Statutes authorizes the Commissioner of the Department of Social Services to recover any public assistance overpayment and take such other action as conforms to federal regulations, including, but not limited to, conducting administrative disqualification hearings.
3. Title 7 of the Code of Federal Regulations ("CFR") section 273.16(a)(1) provides, in pertinent part, as follows:

The State agency shall be responsible for investigating any case of alleged intentional Program violation, and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction....The State agency should conduct administrative disqualification hearings in cases in which the State agency believes the facts of the individual case do not warrant civil or criminal prosecution...

4. "The State agency shall base administrative disqualifications for intentional Program violations on the determinations of hearing authorities arrived at through administrative disqualification hearings in accordance with paragraph (e) of this section..." 7 CFR § 273.16(a)(3)
5. 7 CFR § 273.16(e)(3)(i) provides, in pertinent part, as follows:

The State agency shall provide written notice to the individual suspected of committing an intentional Program violation at least 30 days in advance of the date a disqualification hearing initiated by the State agency has been scheduled. If mailed, the notice shall be sent either by first class mail or certified mail-return receipt requested. The notice may also be provided by any other reliable method. If the notice is sent using

first class mail and is returned as undeliverable, the hearing may still be held.

6. 7 CFR § 273.16(e)(3)(ii) provides as follows:

If no proof of receipt is obtained, a timely (as defined in paragraph (e)(4) of this section) showing of nonreceipt by the individual due to circumstances specified by the State agency shall be considered good cause for not appearing at the hearing. Each State agency shall establish the circumstances in which non-receipt constitutes good cause for not appearing at the hearing. Such circumstances shall be consistent throughout the State agency.

7. 7 CFR § 273.16(e)(4) provides, in pertinent part, as follows:

If the household member or its representative cannot be located or fails to appear at a hearing initiated by the State agency without good cause, the hearing shall be conducted without the household member being represented. Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if intentional Program violation was committed based on clear and convincing evidence....In instances where good cause for failure to appear is based upon a showing of nonreceipt of the hearing notice as specified in paragraph (e)(3)(ii) of this section, the household member has 30 days after the date of the written notice of the hearing decision to claim good cause for failure to appear. In all other instances, the household member has 10 days from the date of the scheduled hearing to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

**8. The ADH was held in accordance with the requirements in 7 CFR § 273.16(e). Notice of the ADH was sent to the Defendant by certified mail more than 30 days in advance of the hearing and was confirmed to have been delivered. After being properly noticed, the Defendant failed to appear for the ADH. In accordance with regulation, the ADH was conducted without the Defendant being represented.**

9. "The hearing authority shall base the determination of intentional Program violation on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, intentional Program violation as defined in paragraph (c) of this section." 7 CFR § 273.16(e)(6)

10. 7 CFR § 273.16(c) provides as follows:

***Definition of intentional Program violation.*** Intentional Program violations shall consist of having intentionally: (1) Made a false or

misleading statement, or misrepresented, concealed or withheld facts; or (2) Committed any act that constitutes a violation of SNAP, SNAP regulations, or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking of SNAP benefits or EBT cards.

**Determining whether the Defendant committed an IPV**

11. Clear and convincing evidence established that the Defendant and the OP and her two children lived together at least during the time from [REDACTED] 2018 to [REDACTED] 2019. The Defendant's driver's license, registered vehicle, mail delivery and child's school records all confirmed that the Defendant lived with the OP and her children. The Defendant himself reported on [REDACTED] 2018, on [REDACTED], 2018 and on [REDACTED] 2019 that he lived with the OP. He continues to reside at the address. Certified mail containing notice of the ADH was sent to the Defendant at the [REDACTED] address and was signed for and accepted.
12. Clear and convincing evidence established that the Defendant misreported his household circumstances to the Department, and that he did so intentionally. When the Defendant applied for SNAP on [REDACTED] 2018, he reported that he was living alone at a different address from the OP. This was less than a month after he was notified he was not eligible for SNAP because he was living with the OP. When the Department tried to investigate the Defendant's living arrangement at the time of his application, he was uncooperative and refused to meet with the investigator. When the Defendant submitted his PRF to the Department on [REDACTED] 2019, he again misreported that he was living alone. His only purpose in doing so was so that he could maintain his eligibility for SNAP.
13. Clear and convincing evidence established that the Defendant committed an IPV in the SNAP program. The Defendant intentionally misreported his circumstances to the Department for the purposes of acquiring and receiving SNAP.
14. 7 CFR § 273.16 (b)(1) provides, in pertinent part, as follows:

Individuals found to have committed an intentional Program violation either through an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the Program: (i) For a period of twelve months for the first intentional program violation, except as provided under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section...



15. **The Defendant is guilty of having committed an IPV in the SNAP program. He has not committed any prior violations in the program. For a first violation he must be disqualified from participation in SNAP for a period of twelve months**

**Determining the Defendant's actual eligibility for SNAP**

16. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption is a SNAP household. Title 7 of the Code of Federal Regulations ("CFR") section 273.1(a)(3)
17. **"Required household combinations.** The following individuals who live with others must be considered as customarily purchasing food and preparing meals with the others, even if they do not do so, and thus must be included in the same household, unless otherwise specified. **(i)** Spouses; **(ii)** A person under 22 years of age who is living with his or her natural or adoptive parent(s) or step-parent(s)..." 7 CFR § 273.1(b)(1)
18. **SNAP rules required that the Defendant's household include four persons. Because they lived together between [REDACTED] 2018 and [REDACTED] 2019, the Defendant, the OP, their child in-common and the OP's other child had to all be included in the same household.**
19. **The Defendant's SNAP eligibility was incorrectly determined from [REDACTED] 2018 to [REDACTED] 2019, because the determination did not include four persons in the household, and did not include the OP's earnings.**
20. **The OP had earnings from [REDACTED] in every month from [REDACTED] 2018 to [REDACTED] 2019 that needed to be counted to determine whether overpayments occurred.**
21. Title 7 of the Code Of Federal Regulations ("CFR") Section 273.9 (a) provides, in relevant part, as follows:
- a. Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households which are categorically eligible as defined in §273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross

income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

22. In the 48 contiguous States, the gross income eligibility standard for SNAP is 130 percent of the Federal income poverty level that applies to the 48 contiguous States. 7 CFR § 273.9(a)(1)(i)
23. **The Defendant's household did not contain an elderly or disabled member. Unless the household was categorically eligible pursuant to either 7 CFR § 273.2(j)(2) or § 273.2(j)(4), the household had to meet both the gross and net income eligibility standards for SNAP.**
24. States may, at their option, extend categorical eligibility to households "in which all members receive or are authorized to receive non-cash or in-kind services" from a program that is funded in part with State money counted for MOE purposes under Title IV-A, if the program was designed to further either purposes one and two, or three and four, of the TANF block grant. FNS must be informed of, or must approve, the TANF services that a State determines to confer categorical eligibility. 7 CFR § 273.2(j)(2)(ii)
25. Households in Connecticut with incomes below 185% of the federal poverty level ("FPL") qualify for the State's "Help for People in Need" program, which meets the requirements outlined in 7 CFR § 273.2(j)(2)(ii). The Department extends broad-based categorical eligibility for SNAP to all such qualifying households.
26. **For the period from [REDACTED] to [REDACTED], the standard used in the SNAP program in Connecticut to determine expanded categorical eligibility based on 185% of the FPL was \$3,793 for a household of four persons. For the period from [REDACTED] to [REDACTED], the standard was \$3,870 for a household of four persons.**
27. **For the months from [REDACTED] 2018 to [REDACTED] 2019, inclusive, the Defendant's household had income from the OP's earnings that exceeded 185% of the FPL in each month. The household was, therefore, not categorically eligible in any month and was subject to meeting the gross income standard in each month. Since the household's income exceeded 185% of the FPL in each month, it must have also exceeded the SNAP gross income limit of 130% of the FPL in each month. There was, therefore, no SNAP eligibility for the Defendant's household in any month from [REDACTED] 2018 to [REDACTED] 2019, inclusive.**

28. In ██████ 2018 and ██████ 2018, the Defendant's household's gross income was \$3,461.54 in each month, which was less than 185% of the FPL. The household was, therefore, categorically eligible in those two months and not subject to a gross income test. The household's eligibility in those months depended on the benefit calculation. Each month's benefit calculation was identical.
29. The Defendant's household's income and deductions were calculated pursuant to 7 CFR § 273.9. Net income and SNAP benefit levels were then calculated pursuant to 7 CFR § 273.10(e). The calculations were as follows:

Only certain income deductions are allowed to be used in the calculation of SNAP benefits. The household expenses which may be used as deductions are described in paragraphs (d)(1) to (d)(6) of 7 CFR § 273.9.

The *standard deduction* for a household size of one to six persons is equal to 8.31 percent of the monthly net income standard for each household size established under § 273.9(a)(2) rounded up to the nearest whole dollar. 7 CFR § 273.9(d)(1)

**The Defendant's SNAP ██████ hold qualified for the standard deduction which was \$170.00 as of ██████ 2018 for a household of four persons.**

7 CFR § 273.9(d)(2) provides for the *earned income deduction* which is equal to "Twenty percent of gross earned income..."

7 CFR § 273.18(c)(1)(ii)(B) provides that the State agency, in calculating the claim amount, does not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim.

**The Defendant's household's gross monthly earned income was \$3,461.54 in both ██████ 2018 and ██████ 2018. The 20% earned income deduction is disallowed in the Defendant's case because the basis of his IPV was that he failed to report the OP's presence in his household because he wanted to conceal the existence of her income.**

The Defendant did not qualify for any of the other deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9, the excess medical deduction, dependent care deduction, or child support deduction. The figure equaling the total deductions qualified for under (d)(1) to (d)(5) is applicable to the next calculation.

7 CFR § 273.9(d)(6)(ii) provides for the *excess shelter deduction*. Monthly shelter expenses in excess of 50 percent of the household's income after all other deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9 have been allowed, are allowed as an excess shelter deduction.

**The Defendant's household qualified for one of the deductions in paragraphs (d)(1) through (d)(5) of 7 CFR § 273.9, the standard deduction. After deducting the \$170.00 standard deduction from the Defendant's household's countable gross income, the remaining income was**

**\$3,291.54 (\$3,461.54 gross earnings - \$170.00 standard deduction = \$3,291.54).**

**50% of \$3,291.54 is \$1,645.77, and is the figure referred to in 7 CFR § 273.9(d)(6)(ii) that is used in the calculation of the *excess shelter deduction*.**

7 CFR § 273.9(d)(6) discusses shelter costs and provides that only certain expenses are allowable as shelter expenses, including rent, mortgage, property taxes, insurance on the structure, condo and association fees, and the actual costs of utilities.

7 CFR § 273.9(d)(6)(iii) provides for a *standard utility allowance* which may, at State option, be used in place of the actual cost of utilities in determining a household's *excess shelter deduction* and which may be made available both to households that incur actual utility expenses and to those that receive assistance under the LIHEAA (Low Income Home Energy Assistance Act).

**The Department allows a standard utility allowance (SUA) in place of the actual cost of utilities for qualifying households. The Defendant was approved to have the SUA, which was \$728.00 as of ██████████ 2018, applied in place of any actual utility costs he had in the calculation of his *excess shelter deduction*.**

**The Appellant's rent was \$322.50 [rent was \$75.00 weekly – see 7 CFR § 273.10(d)(5) for provisions for converting weekly expenses to monthly amounts]. His total shelter expenses were \$1,050.50 (\$322.50 rent + \$728.00 SUA).**

**The Defendant's *excess shelter deduction* was \$0.00 (\$1,050.50 shelter expenses - \$1,645.77 [50% of income net of allowable deductions outlined in 7 CFR § 273.9(d)(1) through (d)(5)]).**

**The Defendant's *net income* after all deductions was \$3,291.54 (\$3,461.54 total gross income, minus \$170.00 *standard deduction*, minus \$0.00 *excess shelter deduction*).**

"Except as provided in paragraphs (a)(1), (e)(2)(iii) and (e)(2)(vi) of this section, the household's monthly allotment shall be equal to the maximum SNAP allotment for the household's size reduced by 30 percent of the household's net monthly income as calculated in paragraph (e)(1) of this section...." 7 CFR § 273.10(e)(2)(ii)(A)

**30% of the Defendant's household's net monthly income was \$988.00 (\$3,291.54 multiplied by .3 [product is rounded up])**

**The maximum food stamp allotment (known as the "thrifty food plan") for a household of four persons was \$640.00 as of ██████████ 2018.**

**30% of the Defendant's household's net monthly income exceeded the thrifty food plan for the Appellant's household size (\$988.00 exceeded \$640.00).**

**30. The Defendant's household did not qualify for a calculated SNAP allotment for either ██████████ 2018 or ██████████ 2018, because 30% of his**

**household's net monthly income was more than the maximum SNAP benefit for his household size.**

- 31. The Defendant was not eligible for SNAP in any month from [REDACTED] 2018 to [REDACTED] 2019, inclusive. All the SNAP benefits issued to him during this time period, \$2,259.00 in total, were overpaid to him.**
32. A recipient claim is an amount owed because of benefits that are overpaid or trafficked. Claims are Federal debts subject to regulations governing Federal debts. State agencies must establish and collect any claim by following the regulations in 7 CFR §273.18.
33. "An Intentional Program violation (IPV) claim is any claim for an overpayment or trafficking resulting from an individual committing and IPV. An IPV is defined in § 273.16." 7 CFR 273.18(b)(1)
34. "As a State agency, you must calculate a claim back to at least twelve months prior to when you became aware of the overpayment and for an IPV claim, the claim must be calculated back to the month the act of IPV first occurred and for all claims, don't include any amounts that occurred more than six years before you became aware of the overpayment." 7 CFR § 273.18(c)(1)
- 35. The month the IPV first occurred was [REDACTED] 2018, the first month the Defendant misreported information for the purpose of fraudulently qualifying for SNAP.**
- 36. All \$2,259.00 in SNAP benefits overpaid to the Defendant were the direct result of his commission of an IPV. Accordingly, the Department is authorized to establish an IPV claim to recover the overpayment in accordance with 7 CFR § 273.18.**

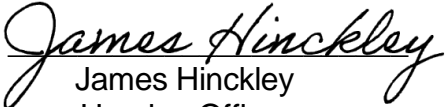
### **DISCUSSION**

The Department probably erred when it granted the Defendant's case without properly verifying questionable factors of eligibility. There should have been better communication between the Department's eligibility unit and its investigative unit.

Despite any ill-considered actions taken by the Department, the Defendant is not absolved of his responsibility to accurately report his circumstances. The Defendant intentionally concealed the truth in order to qualify for SNAP. He would not have received the benefits had he not reported false information to the Department.

**DECISION**

1. The Defendant is **GUILTY** of committing his first IPV in the SNAP program.
2. As a result of being guilty of a first offense IPV, the Defendant is ineligible to participate in SNAP for a period of twelve months.
3. The Department must establish an IPV claim to recover \$2,259.00 in SNAP benefits overpaid to the Defendant as a result of his commission of an IPV.

  
James Hinckley  
Hearing Officer

cc: [OLCRAH.QA.DSS@ct.gov](mailto:OLCRAH.QA.DSS@ct.gov)  
Patricia Ostroski

**RIGHT TO APPEAL**

The defendant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue, Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The **45** day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than **90** days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or his designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the defendant resides.